

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

HENRY AKINS II,

Plaintiff,

v.

THE KROGER CO.,

Defendant.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 4:19-cv-00134-O

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. *See* FCR, ECF No. 12. The Magistrate Judge recommended this Court deny Plaintiff's Motion to Proceed in Forma Pauperis. *See id.* Plaintiff timely filed objections. Pl.'s Obj., ECF No. 13. The District Court conducts a *de novo* review of the portions of the FCR to which a party objects.

The Magistrate Judge found that Plaintiff has sufficient resources to pay the applicable fees because he receives \$2,100 in monthly income and lists no dependents. FCR 12, ECF No. 5. Plaintiff objects to this finding, arguing that after subtracting his liabilities from his assets, he falls below the poverty guidelines. Pl.'s Obj. 2, ECF No. 13. However, "[t]he central question is whether the movant can afford the costs without undue hardship or deprivation [of] the necessities of life." *Harris v. Sullivan*, No. 94-40496, 1995 U.S. App. LEXIS 43163, at *6 (5th Cir. Mar. 8, 1995). Here, Plaintiff has not made an adequate showing of undue hardship or deprivation of the

necessities of life. *Jones v. Vouitton*, 544 F. App'x 460, 460 (5th Cir. 2013). Therefore, the Court **OVERRULES** Plaintiff's Objections (ECF No. 13) and **ACCEPTS** the Findings, Conclusion, and Recommendation of the Magistrate Judge (ECF No. 12).

Accordingly, Plaintiff's Motion to Proceed in Forma Pauperis (ECF No. 4) is **DENIED**. Plaintiff's Complaint will be subject to dismissal without further notice under Federal Rule of Civil Procedure 41(b) unless Plaintiff pays the full filing and administrative fees within seven (7) days of this order.

SO ORDERED on this **1st day of April, 2019**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE